

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 50-64 remain pending.

Personal Interview

Applicants appreciate the opportunity granted their representative to conduct a personal interview with Mr. Tran (SPE) and Mr. Gelek Topgyal on September 13, 2007. As indicated in the Interview Summary, the teachings of Fukushima (U.S. Patent 5,596,564) were discussed. An agreement was reached that Fukushima fails to teach certain features of the claimed invention.

Applicants respectfully submit that the prior art rejections (35 U.S.C. §§ 102, 103) and the double patenting rejections should be withdrawn.

Rejection Under 35 U.S.C. § 102

Claims 50-54 and 57-64 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by Fukushima et al. (U.S. Patent 5,596,564). This rejection is respectfully traversed.

Fukushima discloses a technique for storing audio visual (AV) data on a storage medium. The AV file 210 includes chapter data 240 representing audio/video content and picture pointer data 230. See e.g., Fig. 2. The video data is divided into a plurality of GOP data units 260, including independent picture (I) data 261 and dependent picture data 262. The chapter data 240 further includes audio data 263. In an embodiment illustrated in Fig. 3A, the audio data 263 is interleaved with I-picture data 261. In an alternative embodiment illustrated in Fig. 3B, the audio data 263 is not interleaved with picture data.

As illustrated in Fig. 2, the pointer data 230 is positioned before chapter data 240 (which comprises a plurality of GOPs) and stores address information of the top and the last address where independent picture data 261 and audio data 263 is interleaved for the embodiment of Fig. 3A, in which I-picture data is interleaved with audio data 263. The pointer data 230 stores the address of a leading sector of an area storing the I-picture data in the embodiment of Fig. 3B in

which the audio data 263 is not interleaved with the I-picture data 261. See e.g. col. 11, line 62-col. 12, line 16.

Applicants respectfully submit that the picture pointer data of Fukushima does not correspond to control information of a control data packet, which precedes I-picture data of a corresponding video data unit, identifying an end of the I-picture data contained in a corresponding video data unit as required by claim 50.

According to MPEP § 2131, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claims.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989).

At least in view of the above, Applicants respectfully submit that Fukushima fails to anticipate claim 50. Claims 51-64 are believed to define over Fukushima at least based on similar reasoning to that set forth above with respect to claim 50.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the Examiner’s rejection under 35 U.S.C. § 102.

Rejection Under 35 USC § 103

Claims 55 and 56 stand rejected under 35 U.S.C. § 103 as allegedly being anticipated by Fukushima in view of Fujinami et al. (U.S. Patent 5,455,684). This rejection is respectfully traversed.

The Examiner relies on Fujinami as allegedly pertaining to incremental features of dependent claims 55 and 56. Applicants respectfully submit, however, that this reliance on Fujinami fails to make up of the deficiency of Fukushima discussed above with respect to the rejection under 35 U.S.C. § 102. Accordingly, Applicants respectfully submit that the asserted combination of Fukushima and Fujinami (assuming the references may be combined, which Applicants do not admit) that has to establish *prima facie* obviousness of any pending claim.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 103.

Double Patenting Rejections

1. U.S. Patent 6,009,236/U.S. Patent 6,134,382 in view of Fukushima/Fukushima and Fujinami

Claims 50-54 and 57-64 stand rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of U.S. Patent 6,009,236 ("the '236 patent") in view of Fukushima; and further stand rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of U.S. Patent 6,134,382 ("the '382 patent") in view of Fukushima. Claims 55-56 stand rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of the '236 patent or the '382 patent in view of Fukushima and Fujinami. These rejections are respectfully traversed.

In rejecting claims based on the allegedly obvious combination of '236 patent claims and Fukushima, the Examiner relies on Fukushima as allegedly teaching the feature of the claimed control data packet. See Office Action, page 4. For reasons discussed above with respect to the rejection under 35 U.S.C. § 102, however, Applicants submit that the pointer data disclosed in Fukushima does not correspond to the control information as claimed. At least for this reason, the asserted combination of claims of the '236 patent and Fukushima fails to establish obviousness of any pending claim. The Examiner's reliance of Fujinami in rejecting claims 55-56 fails to make up for this deficiency.

Similarly, the Examiner's rejection of claims based on an allegedly obvious combination of '382 patent claims and Fukushima relies on Fukushima as allegedly teaching the claimed control information. See Office Action, pages 8-9. Applicants again note, however, that Fukushima fails to teach control information as claimed. Consequently, Applicants respectfully submit that the asserted combination of '382 patent claims and Fukushima fails to establish obviousness of any pending claim. The Examiner's reliance of Fujinami in rejecting claims 55-56 fails to make up for this deficiency.

2. U.S. Patent 6,549,717 in view of Fukushima/Fukushima and Fujinami

Claims 50-54 and 57-64 stand rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of U.S. Patent 6,549,717 in view of Fukushima. Claims 55 and 56 stand rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of U.S. Patent 6,549,717 in view of Fukushima and Fujinami. These rejections are respectfully traversed.

In rejecting claims based on the allegedly obvious combination of '717 patent claims and Fukushima, the Examiner relies on Fukushima as allegedly teaching the feature of the control data packet as claimed. See Office Action page 12. As discussed above, Fukushima fails to disclose the control data packet as claimed. Consequently, Applicants respectfully submit that claims in the present application are not rendered obvious based on an asserted combination of claims of the '717 patent and Fukushima (assuming combinability, which Applicants do not admit). The Examiner's reliance of Fujinami in rejecting claims 55-56 fails to make up for this deficiency.

3. Co-pending Application 10/083,475 in View of Fukushima/Fukushima and Fujinami

Claims 50-54 and 57-64 stand provisionally rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of co-pending application no. 10/083,475 in view of Fukushima. Claims 55 and 56 stand provisionally rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of co-pending application no. 10/083,475 in view of Fukushima and Fujinami. These rejections are respectfully traversed.

In rejecting claims based on the allegedly obvious combination of the '475 application and Fukushima, the Examiner relies on Fukushima as allegedly teaching the feature of the control data packet as claimed. See Office Action, page 16. As discussed above, Fukushima fails to disclose the control data packet as claimed. Consequently, Applicants respectfully submit that the claims in the present application are not rendered obvious based on an asserted combination of claims of the '475 application and Fukushima (assuming combinability, which

Applicants do not admit). The Examiner's reliance of Fujinami in rejecting claims 55-56 fails to make up for this deficiency.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the provisional and non-provisional rejections based on the doctrine of obviousness-type double patenting.

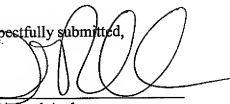
Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,



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